

Appl. No. 10/647,268  
Amdt. Dated August 16, 2005  
Reply to Office Action of May 24, 2005

### IN THE CLAIMS

Please amend the claims as shown in the Claim Listing, below.

#### Claim Listing

Claim 1 (currently amended): An isolated nucleic acid molecule encoding a plant disease resistance polypeptide selected from the group consisting of:

(a) a nucleic acid molecule with polypeptide coding sequence ~~having greater than 93% nucleotide sequence identity with~~ of SEQ ID NO:1 from nucleotide 52 to nucleotide 3018;

(b) a nucleic acid ~~sequence~~ molecule which encodes a polypeptide having ~~greater than 90% identity with~~ SEQ ID NO:2, 4 or 10;

(c) ~~a nucleic acid sequence which hybridizes under high stringency conditions with SEQ ID NO:1 from nucleotide 52 to nucleotide 3018;~~

——(d) a nucleic acid molecule as shown in SEQ ID NO:1, 3 or 9.

Claim 2 (original): The nucleic acid molecule of claim 1 which is contained in plasmid pBT1596 or plasmid pBT1593.

Claim 3 (currently amended): A The nucleic acid construct comprising a nucleic acid molecule of claim 1 operably linked to one or more control sequences which direct the production of a plant disease resistance polypeptide in an expression host.

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Claim 4 (original): A cell transformed with the isolated nucleic acid molecule of claim 1.

Claim 5 (original): A plant transformed with the isolated nucleic acid molecule of claim 1.

Claim 6 (currently amended): A transgenic seed of the plant according to claim 5.

Claim 7 (original): The plant of claim 5 wherein the plant is a solanaceous plant.

Claim 8 (original): The plant of claim 7 wherein the solanaceous plant is potato.

Claim 9 (currently amended): ~~Sexually or asexually derived~~ A transgenic progeny of the plant of claim 5.

Claim 10 (canceled).

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Claim 11 (original): A method of conferring or enhancing a plant's resistance to a fungal pathogen, which comprises transforming a plant, plant part, or plant cell with one or more isolated nucleic acid molecules of claim 1.

Claim 12 (original): The method of claim 11 wherein the plant is a solanaceous plant.

Claim 13 (original): The method of claim 12 wherein the solanaceous plant is potato.

Claim 14 (original): The method of claim 11 wherein said resistance is to late blight disease, caused by the fungus *Phytophthora infestans*.

Claim 15 (original): A method for producing a plant disease resistance polypeptide, which comprises cultivating a recombinant host cell comprising a transformed cell having a nucleic acid molecule of claim 1 which encodes a plant disease resistance polypeptide, under conditions suitable for production of the polypeptide; and recovering the polypeptide.